

THE INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

Trafficking in Persons for Sexual Exploitation in Japan

CERD NGO Briefing 18th August 2014

Though the Government of Japan has adopted a number of measures against trafficking in persons for sexual exploitation, those measures much need to be improved.

Legislation: In Japan, there is no specialised law to tackle trafficking in persons. Since 2005, the Penal Code has criminalised “buying and selling of persons”, in addition to kidnapping and transferring. However, the provisions of human trafficking in the Code do not include other elements including exploitation. Therefore, few offenders are prosecuted under the human trafficking provisions of the Penal Code. Also, Japan has not ratified the UN Convention against Transnational Organized Crime and the Palermo Protocol.

Specialised Governmental Body: The Government concluded in its 2009 Action Plan to consider establishing a body in charge of planning and implementation of policies against trafficking in persons. However, it has not established such body so far. The current “Ministerial Meeting Concerning Measures Against Crimes” under the Cabinet Secretariat is simply a coordinating body which does not have any authority or budget.

Identification of Victims: The criteria to identify trafficked victims used by the police and the Immigration Bureau are not disclosed. Trainings of relevant officials are insufficient, which has led to the inconsistent levels of awareness among authorities. Furthermore, trainings for prosecutors, judges and the staff at public shelters are rarely provided. In addition, the Government disproportionately focuses on sexual exploitation. As a result, it is very difficult to get a clear picture of the actual situation of human trafficking.

Protection of Victims: Trafficked victims can stay in public shelters, but there is no resident interpreter. Therefore, certain supports such as psychological cares and legal consultation services are not easily accessible for foreign victims. Since the current measures prioritise repatriations, rehabilitation services for victims to remain in Japan such as language and vocational trainings are not available.

Although the Government claims that it applies the definition in the Article 3 of the Palermo Protocol, the existing policies and measures are not consistent with the definition.

Thank you.